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OFFICE OF PETITIONS

In re Application of	:	DECISION NOTING JOINDER
William Martin	:	OF INVENTOR AND PETITION
Application No. 09/891,945	:	UNDER 37 CFR 1.47(b) MOOT
Filed: June 26, 2001	:	and
Title: TRADE ALLOCATION	:	DECISION ON PETITION
	:	UNDER 37 CFR 1.48(f)(1)

This is in response to the "Request for Reconsideration of Petition under 37 CFR 1.47(b)," filed August 20, 2002.

The petition under §1.47(b) is **DISMISSED AS MOOT**.

The petition under §1.48(f)(1) is **GRANTED**.

The above-identified application was filed on June 26, 2001, without an executed oath or declaration and naming William Martin, Matt Smith and Susan Estes as joint inventors. Accordingly, on August 16, 2001, applicants were mailed a "Notice to File Missing Parts of Application," requiring an executed oath or declaration, and a surcharge for late filing. This Notice set a period for reply of two months, with extensions of time obtainable under §1.136(a).

In reply, applicants timely filed the initial petition under §1.47(b), asserting that William Martin was the sole inventor and that he refused to join in the application. This petition was dismissed for failure to submit an acceptable oath or declaration; failure to provide sufficient proof that the non-signing inventor Martin refused to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); failure to show sufficient proprietary interest in the subject matter to justify filing of the application; and failure to submit proof of irreparable damage. (Decision mailed June 24, 2002). This decision set a two-month period for reply, with extensions of time obtainable under 37 CFR 1.136(a).

On instant request for reconsideration, timely filed, petitioner submitted a declaration executed by sole inventor Martin. This declaration has been reviewed and found in compliance with 37 CFR 1.63.

In view of the joinder of the sole inventor, further consideration under 37 CFR 1.47(b) is not necessary and the petition is considered moot. This application does not have any Rule 1.47(b) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(b).

The petition fee for consideration under \$1.48 has been charged to petitioner's Deposit Account, as authorized. The declaration submitted is the first executed declaration of record and is found sufficient to correct inventorship pursuant to §1.48(f). Please find enclosed a corrected filing receipt reflecting the correction of inventorship.

The application file is being returned to the Office of Initial Patent Examination for completion of pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0309.



Nancy Johnson
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Corrected Filing Receipt (2 pages).